

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

NATHANIEL GIBSON, )  
                        )  
Plaintiff,           )  
                        )  
v.                    ) Civil No. 09-30-B-W  
                        )  
RICHARD CLUKEY, et al., )  
                        )  
Defendants.          )

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objection having been filed to the Magistrate Judge's Recommended Decision filed February 20, 2009, the Recommended Decision is accepted.<sup>1</sup>

Accordingly, it is hereby ORDERED that the Plaintiff's Complaint (Docket # 1) be and hereby is DISMISSED without prejudice for lack of prosecution.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 11th day of March, 2009

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<sup>1</sup> On January 27, 2009, Mr. Gibson filed the Complaint and motion for leave to proceed *in forma pauperis*. *Compl.* (Docket # 1); *Pro Se Mot. for Leave to Proceed In Forma Pauperis* (Docket # 2). He provided an address in Texas. On the same day, the Magistrate Judge issued an order, reserving ruling on motion, and requesting that Mr. Gibson provide further information. *Order Reserving Ruling on Mot. for Leave to Proceed In Forma Pauperis* (Docket # 3). She also warned Mr. Gibson that his Complaint was subject to dismissal. *Id.* at 1-2. Mr. Gibson failed to respond. On February 20, 2009, the Magistrate Judge issued a Report and Recommended Decision, recommending dismissal of the claim for failure to prosecute. *Recommended Decision* (Docket # 4). On March 5, 2009, the Court received back the envelope containing the Recommended Decision, indicating that the mail was not deliverable and there was no forwarding address. *Mail* (Docket # 5). The Court does not know Mr. Gibson's whereabouts and whether he has elected, as the Magistrate Judge speculated, not to proceed in view of her warning. In any event, the Court concludes the Magistrate Judge's Recommended Decision must be affirmed.